

1 NICHOLAS A. TRUTANICH
2 United States Attorney
3 Nevada State Bar Number 13644
4 PHILLIP N. SMITH, JR.
5 Assistant United States Attorney
6 Nevada State Bar Number 10233
7 501 Las Vegas Blvd. South, Suite 1100
8 Las Vegas, Nevada 89101
9 PHONE: (702) 388-6336
10 FAX: (702) 388-5087
11 phillip.smith@usdoj.gov

12 Attorney for Plaintiff

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 ***

16 UNITED STATES OF AMERICA,) 2:19-mj-123-NJK
17 Plaintiff,)
18 v.)
19 JAMIKKO FOSTER,)
20 Defendant.)

21 **STIPULATION TO CONTINUE PRELIMINARY HEARING**

22 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich,
23 United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for
24 the United States of America; and Heidi A. Ojeda, Assistant Federal Public Defender, counsel
25 for the Defendant, that the preliminary hearing for the above-captioned matter, currently
26 scheduled for April 30, 2019, at the hour of 4:00 p.m., be vacated and continued to a date and
time convenient for this Court, but in no event earlier than thirty (30) days.

27 This stipulation is entered for the following reasons:

1 1. The Government has made an early production of discovery to the Defendant in
2 an effort to reach a pre-indictment plea agreement, and a pre-indictment plea agreement has been
3 extended to the Defendant. Counsel for the Defendant has indicated that the Defendant is
4 accepting the plea agreement.

5 2. Said plea agreement would obviate the need for either a preliminary hearing in this
6 matter or for the Government to present this matter to a federal grand jury.

7 3. Denial of this request for continuance of the preliminary hearing would potentially
8 prejudice both the Defendant and the Government and unnecessarily consume this Court's
9 valuable resources.

10 4. Additionally, denial of this request for continuance could result in a miscarriage of
11 justice.

12 5. The additional time requested by this stipulation is excludable in computing the
13 time within which the Defendant must be indicted and the trial herein must commence pursuant
14 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under
15 18 U.S.C. §§ 3161(h)(7)(B)(i) and (iv).

16 6. This is the third request for a continuance of the preliminary hearing herein.

17 DATED: April 29, 2019.

18 _____
19 /s/
20 PHILLIP N. SMITH, JR.
21 Assistant United States Attorney
22 Counsel for the United States

23 _____
24 /s/
25 HEIDI A. OJEDA, AFPD
26 Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) 2:19-mj-123-NJK
Plaintiff,)
v.)
JAMIKKO FOSTER,)
Defendant.)
ORDER CONTINUING
PRELIMINARY HEARING

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS
HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter as to the
Defendant, currently scheduled for April 30, 2019, at the hour of 4:00 p.m., be vacated and
continued to June 3, 2019, at 4:00 p.m., in Courtroom 3A.

DATED: April 29, 2019

UNITED STATES MAGISTRATE JUDGE